REMARKS

Claims 1-4 were examined and reported in the Office Action. Claims 1-4 are rejected. Claims 1 and 3 are amended. Claims 1-4 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. §102(e)

It is asserted in the Office Action that claims 1-4 are rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Publication No. 20040204020 by Kuramitsu ("Kuramitsu"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

> [a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant's claim 1 contains the limitations of

> a mobile terminal having a time shift function, the mobile terminal including: a keypad input unit for receiving a time shift selection signal; a memory unit for storing multimedia data; a transceiver unit for receiving the multimedia data through a wireless channel; a control unit for controlling the memory unit to store the multimedia data in response to receiving the time shift function selection signal and to output the multimedia data stored in the memory unit after passing a predetermined length of time; and a display unit for receiving the multimedia data and displaying the multimedia data.

Applicant's amended claim 3 contains the limitations of

> [a] method comprising: implementing a time shift function in a mobile terminal, the implementing includes: receiving a time shift function selection signal; storing received multimedia in a memory unit in response to the time shift function selection signal data; determining whether a predetermined length of time is exceeded and performing the storing if the predetermined time is not exceeded; and if the predetermined time is exceeded, outputting the stored multimedia data through a display unit.

In other words, Applicant's claimed invention includes a mobile terminal that receives a time shift selection signal, stores multimedia data after receiving the time from the time shift function selection signal data, determines if a predetermined length of time is exceeded and outputs the stored multimedia data after exceeding the predetermined length of time.

Distinguishable, Kuramitsu discloses a terminal device that stores a received transport stream during voice communication. According to the start instruction signal SLp from the input device 10, the stored transport stream is reproduced. The start instruction signal SLp in Kuramitsu, however, is not a time shift selection signal. Further, Kuramitsu does not teach, disclose or suggest means or steps for receiving a time shift selection signal or storing multimedia data in response to the time shift function selection signal as claimed in Applicant's invention.

Moreover, Kuramitsu does not teach, disclose or suggest Applicant's claim 1 limitations of

> a mobile terminal having a time shift function...a memory unit for storing multimedia data; a transceiver unit for receiving the multimedia data through a wireless channel; a control unit for controlling the memory unit to store the multimedia data in response to receiving the time shift function selection signal and to output the multimedia data stored in the memory unit after passing a predetermined length of time...,

or Applicant's claim 3 limitations of

> ...implementing a time shift function in a mobile terminal, the implementing includes: receiving a time shift function selection signal; storing received multimedia in a memory unit in response

> to the time shift function selection signal data; determining whether a predetermined length of time is exceed and performing the storing if the predetermined time is not exceeded; and if the predetermined time is exceeded, outputting the stored multimedia data through a display unit.

Therefore, since Kuramitsu does not disclose, teach or suggest all of Applicant's amended claims 1 and 3 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Kuramitsu. Thus, Applicant's amended claims 1 and 3 are not anticipated by Kuramitsu. Additionally, the claims that directly depend on claims 1 and 3, namely claims 2, and 4, respectively, are also not anticipated by Kuramitsu for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §102(b) rejection for claims 1-4 is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely 1-4, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

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Dated: April 10, 2006

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on April 10, 2006.

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Jean Svoboda